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SUGHRUE, MION, ZINN, MACPEAK & SEAS, P.L.C.
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EXAMINER

PILLAI, NAMITHA

ART UNIT	PAPER NUMBER
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2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/747,063	Applicant(s) BEST ET AL.	
	Examiner Namitha Pillai	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42, 46-48, 51, 52 and 54-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42, 46-48, 51, 52 and 54-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 11/9/06 including amendments to claims 12, 55 and 57. All pending claims have been rejected where the previous rejection has been maintained.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 52 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not properly convey, "**at least two of the plurality of applets do not inherit functions from the same base class**".

3. Claim 57 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not properly convey, "**the plurality of applets are not yet loaded for execution**".

Since claims 58-60 depend on claim 57 and include all of the limitations of this claim, claims 58-60 are rejected under 35 U.S.C. 112, first paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 9-12, 14-18, 23-26, 28-32, 37-40, 42, 46-48 and 51, 52, 54-58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication WO 98/43170 (Banthia).

Referring to claims 1 and 29, Banthia discloses a method of executing applets, by receiving user selection of a plurality of applets and generating separate windows within a main applet for each of the selected applet (page 8, lines 25-37). Banthia discloses that the main applet executes each applet in a separate window (page 8, lines 30-33). Banthia discloses that each selected applet is displayed in the separate window under the main applet (page 8, lines 35-45), where each separate window is controlled under the main applet. Banthia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective applets, a selection of applets associated with the information is selected (page 7, 1-7). Banthia clearly discloses that a main applet exists but does not disclose that a window is displayed for the applet. Banthia discloses the existence of a main applet, which is responsible for displaying a list of applets, but does not disclose that the

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main applet is displayed. It would have been obvious for one skilled in the art at the time of the invention to disclose that the main applet is displayed. Banthia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claims 2, 16 and 30, Banthia discloses that one applet may be selected multiple times (page 4, lines 7-10), wherein continuous updating of one applet involves selection of that applet multiple times.

Referring to claims 3, 4, 17, 18, 31 and 32, Banthia discloses enabling each window to be resized and repositioned (page 4, lines 14-17).

Referring to claims 9, 23 and 37, Banthia discloses enabling windows to be tiled (Figure 5).

Referring to claims 10, 24 and 38, Banthia discloses loading the main applet into a browser window (page 5, lines 19-32).

Referring to claims 11, 25 and 39, Banthia discloses loading the main applet into a Java application, wherein the main applet is a webtop applet (page 2, lines 30-36).

Referring to claims 12, 26, 40 and 53, Banthia discloses executing the main applet to display within the displayed main applet a list of available applets from which users can select applets (page 5, lines 23-32 and Figure 5).

Referring to claims 14, 28 and 42, Banthia discloses that separate windows are generated for applets selected from a toolbar (Figure 5).

Referring to claim 15, Bantia discloses an apparatus for executing applets with a client computer having data stored (page 3, lines 31-38). Bantia also discloses a server computer having data store coupled to and connected to the client computer via a network (Figure 1). Bantia also discloses one or more computer programs, performed by the computers for receiving user selection of a plurality of applets, generating separate windows within a main applet for each of the selected applets and the main applet executing each applet in a separate window (page 8, lines 25-37). Bantia discloses that each selected applet is displayed in the separate window under the main applet (page 8, lines 35-45), where each separate window is controlled under the main applet. Bantia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective applets, a selection of applets associated with the information is selected (page 7, 1-7). Bantia clearly discloses that a main applet exists but does not disclose that a window is displayed for the applet. Bantia discloses the existence of a main applet, which is responsible for displaying a list of applets, but does not disclose that the main applet is displayed. It would have been obvious for one skilled in the art at the time of the invention to disclose that the main applet is displayed. Bantia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claim 46, Banthia discloses a method of executing applets by opening a main applet to display a list of applets (Figure 5, page 3, lines 34-38 and page 4, lines 1-2). Banthia discloses a user selecting from the list at least two applets, transmitting the user selection of the at least two applets to the main applet (page 8, lines 25-37). Banthia discloses generating a separate window within the main applet for each selected applet and the main applet executing each of the selected applets in the separate window (page 8, lines 25-38). Banthia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective applets, a selection of applets associated with the information is selected (page 7, 1-7). Banthia discloses the existence of a main applet, which is responsible for displaying a list of applets, but does not disclose that the main applet is displayed. It would have been obvious for one skilled in the art at the time of the invention to disclose that the main applet is displayed. Banthia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claims 47 and 48, Banthia discloses that the main applet is an applet web top viewer, wherein the plurality of applets is positioned within a single page of the web top viewer (Figure 5).

Referring to claim 51, Banthia discloses that plurality of applets is positioned within a single fixed space window (Figure 5).

Referring to claims 52, Banthia discloses that the plurality of applets are independent of each other as displayed in Figure 3 with each applet being distinct and independent of each other and at least two of the applets do not inherit functions from the same base class (Figure 3), where "Packet Distribution Applet" inherits from "Pie Chart Applet" and "Packet Rates Display Applet" inherits from "Bar Chart Applet".

Referring to claim 54, Banthia discloses receiving at substantially the same time the user selection of the plurality of applets (page 8, lines 25-35).

Referring to claim 55, Banthia discloses that the main applet generates separate windows for the selected applets wherein the separate windows for the selected applets are displayed within a displayed window of the main applet (Figure 5). The window of the main applet is represented as the web browser window or web page to which the main controller applet is loaded with. The applet would clearly have to be loaded along with a browser window in order for it to completely function as per the description of applets by Banthia (page 2, lines 25-29). Banthia has disclosed that the main browser window and the controlling applet are responsible for controlling the display applets, wherein clearly the main browser window would be the window of the main applet. See page 4, lines 1-10.

Referring to claim 56, Banthia discloses that all of the windows for the selected applets are generated within display space in which the main applet is displayed, where it would have been obvious with Banthia displaying the applet frames within one main display space and the use of a main applet with display parameters that may be

adjusted to display the main applet in a window space with the applets in the window within the main applet (Figure 5).

Referring to claim 57, Banthia discloses a method of executing applets by loading a main applet, dynamically selecting a plurality of applets for display and loading the dynamically selected plurality of applets into the main applet (page 3, lines 31-page 4, lines 1-2). Banthia discloses that the applets are selected from a list naming the plurality of applets displayed in the main applet (Figure 5 and page 4, lines 1-10). Figure 5 displays a listing of a number of display applets controlled by the main applet, which in turn is associated with the web browser that is displaying the list. Banthia further teaches a situation under which at substantially the same time, selection comprising a plurality of applets is sent to the server (page 3, lines 11-20). Banthia discloses generating separate windows for each loaded applet and displaying and executing each loaded applet in a separate window within the main applet (page 8, lines 25-35). The controlling applet is responsible for controlling all display applets, where all functionality including loading, initialization and execution is carried out within this controlling or main applet. Banthia also discloses dynamically selecting the plurality of applets where based on information that is accessed and is used to update the respective applets, a selection of applets associated with the information is selected (page 7, 1-7). Banthia also discloses that the plurality of available applets displayed in the list have not clearly be uploaded, where the additional data must be added and further redisplayed and loaded for execution (page 7, lines 7-10). Banthia discloses the existence of a main applet, which is responsible for displaying a list of the plurality of

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available applets, but does not disclose that the main applet is displayed. It would have been obvious for one skilled in the art at the time of the invention to disclose that the main applet is displayed. Banthia discloses a main applet and further provides parameters that have been set to ensure that the main applet is not displayed (page 8, lines 20-25). But one skilled in the art could change the parameters to display the main applets. Hence, it would have been obvious to one skilled in the art at the time of the invention to display the main applet.

Referring to claim 58, Banthia discloses that the main applet is a platform for running any applet (page 5, lines 25-30).

Referring to claim 60, Banthia discloses dynamically loading and removing applets from the main applets with the at least two of the applets being obtained from different computers, where the applets are obtained from a server, through the Internet to the client computer (page 7, lines 7-18) and are displayed in the window applet to which the information is added inside the displayed main applet at the same time (page 7, lines 1-25).

5. Claims 5-8, 19-22, 33-36 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banthia and U. S. Patent No. 5,561,757 (Southgate).

Referring to claims 5-8, 19-22 and 33-36, Banthia does not disclose minimizing, maximizing, overlapping and cascading of windows. Southgate discloses allowing windows to be minimized and maximized (column 1, line 59-60), overlapping of windows (column 2, lines 10-11) and cascading (column 3, lines 5-6). It would have been obvious for one skilled in the art at the time of the invention to learn from

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Southgate to implement means for manipulating the windows wherein the applications would be represented. Southgate discusses these manipulation techniques as being applicable to any GUI with windows (column 1, lines 26-37), as such as is disclosed in Banthia. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Southgate to implement basic manipulation techniques for the layout of the windows.

Referring to claim 59, Banthia discloses that the main applet is a platform for dynamically running independent applets (page 4, lines 5-10). Banthia does not disclose that the windows of the independent applets are resizable. Southgate discloses allowing windows to be resized (column 1, line 59-60). It would have been obvious for one skilled in the art at the time of the invention to learn from Southgate to implement means for manipulating the windows wherein the applications would be represented. Southgate discusses these manipulation techniques as being applicable to any GUI with windows (column 1, lines 26-37), as such as is disclosed in Banthia. Hence, one skilled in the art, at the time of the invention would have been motivated to learn from Southgate to implement resizing of the windows.

6. Claims 13, 27 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banthia and "The Swing Tool Set" article.

Referring to claims 13, 27 and 41, Banthia does not disclose using a JInternal frame window to represent the applet windows. "The Swing Tool Set" article discloses a means for using JInternal frames, wherein these components would be used to represent objects, such as windows in desktop environments (page 10, row 4), much

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like the desktop environments of Banthia. It would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the window representation of the applets through a JInternal frame component. JInternal frame components are obviously used to represent objects within a desktop environment, much like the ones used in Banthia. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from the article to implement the applets such as they are represented through JInternal frame windows.

Response to Arguments

7. Applicant's arguments filed 11/9/06 have been fully considered but they are not persuasive.

Although, the specification may disclose that various independent applets can be loaded, such a disclosure does not include that the plurality of applets do not inherit functions from the same base class. The teaching of independent applets disclosing that applets do not inherit from the same base class is not an obvious or inherent teaching and would not be obvious to one skilled in the art at the time of the invention.

As disclosed in claim 57, the disclosure of the present application does disclose that a plurality of available applets are displayed, selection of these applets are received, and the applets are executed in separate windows (reference number 260, Figure 2). But as shown in Figures 2 and 3, there is no disclosure of when the loading of the applets occurs. Furthermore, even if loading and execution of applets is obvious to one skilled in the art at the time of the invention based on the Figure 2, there is no

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clear disclosure in both Figures 2 and 3 that the plurality of applets displayed in the list are not yet loaded for execution.

The display of the main applet would have been obvious based on the disclosure of Banthia. With Banthia disclosing parameters that are known to affect the display of the main applet, this would provide one skilled in the art at the time of the invention to change the parameters in order to display the main applet. This obviousness takes into consideration the level of ordinary skill in the art at the time of invention. There is no requirement that an express written motivation for obviousness must appear in the prior art reference. The nature of the information provided within the references makes the display of the main applet an obvious teaching in Banthia.

Banthia has clearly disclosed that the separate windows of applets are displayed within the main and controlling applet although may not specifically disclose it being within the **displayed** main applet. But with Banthia disclosing that the separate windows are displayed within the main applet and the obvious teaching of displaying the main applet, the selected applets being displayed separately within the **displayed** main applet would have been an obvious teaching in view of Banthia.

Banthia discloses one changes to the applet are discovered, measures are taken to determine change in applet, without actual loading of the new changed applet. Once the determination is made that a change has occurred in the information, the applet is then only loaded and executed to display and convey the new information that has been updated in the applet. See page 7, lines 7-10. Therefore the list of applets of Figure 5

discloses applets but also disclose new information representative of the applet, which has not yet been loaded and executed.

A base class is a class or any class from which a distinct class inherits functionality. As shown in Figure 3, although there is one applet class, figure 3 depicts a structure in which multiple levels of inheritance are occurring. The applets have further base classes that represent functions of varying types from which distinct applets are created with distinct functionalities. Therefore, there are base classes within the structure that are different from each from which a final applet class inherits from to create a more distinct applet. As claimed, Banthia by disclosing that the applets are accessed from across a network from server computers reads on the applets being obtained from different computers. Furthermore, Banthia discloses how through the Internet, server devices are accessed to obtain different applet information that are used to display the separate applets (page 3, line 34-page 4, line 2). Therefore, the applets are not displayed as a result of obtaining information from within the client computer but from obtaining applet information from another different computer through the Internet network.

The Swing Tool Set discloses GUI components that are used along with Java applications, which can be implemented in Java based applications such as those in Banthia. To use such a JAVA GUI component in a Java based application that is relying on window displaying would have been an obvious teaching to one skilled in the art at the time of the invention.

Conclusion

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8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached on 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063.

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
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January 30, 2007

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